

1 MORGAN, LEWIS & BOCKIUS LLP  
2 JOAN M. HARATANI, State Bar No. 118221  
3 REBECCA EISEN, State Bar No. 96129  
4 WILLIAM J. TAYLOR, State Bar No. 72902  
5 RENÉE T. LAWSON, State Bar No. 184273  
6 One Market, Spear Street Tower  
7 San Francisco, CA 94105-1126  
8 Tel: (415) 442-1000; Fax: (415)442-1001  
9 Email: jharatani@morganlewis.com  
10 reisen@morganlewis.com  
11 wtaylor@morganlewis.com  
12 rlawson@morganlewis.com

13 Attorneys for Defendant  
14 WAL-MART STORES, INC.

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 OAKLAND DIVISION

18 In Re WAL-MART STORES, INC.  
19 WAGE AND HOUR LITIGATION,

Case No. C 06-02069 SBA (BZ)  
C 06-05411 SBA (BZ)

20 This document relates to Case Nos.:  
21 C 06-02069 SBA (Smith) and  
22 C 06-05411 SBA (Ballard)

23 **STIPULATION AND ~~PROPOSED~~**  
24 **ORDER RE: PERSONNEL FILE**  
25 **PRODUCTION DURING THE**  
26 **THANKSGIVING HOLIDAYS**

**STIPULATION**

WHEREAS, on August 16, 2007, in the Court's Fifth Discovery Order (as subsequently modified by the Court's Sixth Discovery Order), the Court ordered, among other things, Wal-Mart to produce documents identified through review of its personnel files of the potential class members at a rate of 10,000 potential class members every week until completed;

WHEREAS, Wal-Mart has been producing documents from such personnel files at such rate each Friday since September 7, 2007;

WHEREAS, Wal-Mart would like to give its document reviewers time off for Thanksgiving and the three days thereafter to celebrate the holiday;

WHEREAS, Plaintiffs have agreed with Wal-Mart's proposal to give the reviewers that time off;

WHEREAS, Wal-Mart therefore requests, in order to accommodate its reviewers' time off, that the personnel file production that would otherwise be made on Friday, November 23, 2007 (the day after Thanksgiving) be made instead the following Monday, November 26, 2007, and that the number of files for review for that instance be reduced to the files of 5,000 potential class members. The personnel file production for Friday, November 30, 2007, will again be based on a review of the files of 10,000 potential class members;

WHEREAS, Plaintiffs have agreed to this modified schedule and review amount;

NOW, THEREFORE, the Parties hereby stipulate and agree to the following and ask that the Court approve this stipulation as an Order of the Court:

1. The Court's Fifth Discovery Order entered on August 16, 2007 (as subsequently modified by the Court's Sixth Discovery Order), shall be modified as to that portion that pertains to the review and production of personnel files for the week of Thanksgiving, November 19, 2007;

2. The personnel file production that would otherwise have been made on Friday, November 23, 2007 (the day after Thanksgiving) pursuant to the Court's Fifth and Sixth Discovery Orders shall be made instead the following Monday, November 26, 2007, and that the number of files for review for that instance be reduced to the files of 5,000 potential class

members.

3. The personnel file production for Friday, November 30, 2007, will again be based on a review of the files of 10,000 potential class members.

Pursuant to General Order 45, Section X.B., I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

Dated: November 19, 2007

SCHWARTZ, DANIELS & BRADLEY

By: /S/  
Marcus J. Bradley

Attorneys for Plaintiffs

Dated: November 19, 2007

MORGAN, LEWIS & BOCKIUS LLP

By: /S/  
Renée T. Lawson

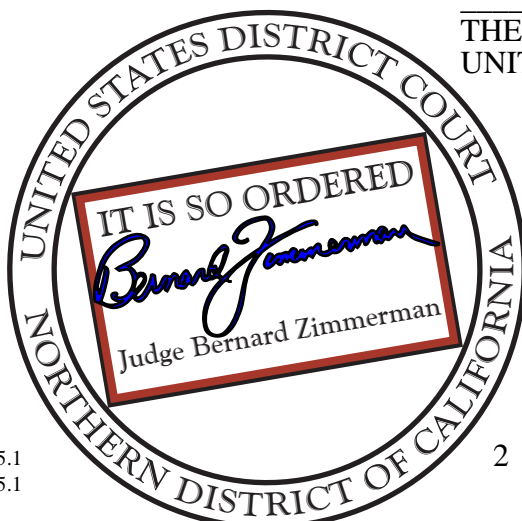
Attorneys for Defendant  
WAL-MART STORES, INC.

**ORDER**

IT IS SO ORDERED.

Dated: November 20, 2007

  
THE HONORABLE BERNARD ZIMMERMAN  
UNITED STATES MAGISTRATE JUDGE



**PROOF OF SERVICE****In Re Wal-Mart Stores, Inc. Wage and Hour Litigation.****United States District Court Case No. C 02-02069 SBA (BZ) (and related cases)**

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is One Market, Spear Street Tower, San Francisco, CA 94105-1126. On November 19, 2007, I served the within document(s):

**STIPULATION AND [PROPOSED] ORDER RE: PERSONNEL FILE PRODUCTION DURING THE THANKSGIVING HOLIDAYS**

- ☒ **U.S. MAIL:** I placed the document(s) listed above into envelope(s) addressed to the person(s) at the address(es) set forth below. I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Morgan, Lewis & Bockius LLP, San Francisco, California. I am readily familiar with the firm's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.
- ☐ **OVERNIGHT DELIVERY (FedEx):** I placed the document(s) listed above into envelope(s) or package(s) designated by the express service carrier and addressed to the person(s) at the address(es) set forth below. I placed the sealed envelope(s) or package(s) for collection and overnight delivery by following the ordinary business practices of Morgan, Lewis & Bockius LLP, San Francisco, California. I am readily familiar with the firm's practice for collecting and processing of correspondence for overnight delivery, said practice being that, in the ordinary course of business, correspondence for overnight delivery is deposited with delivery fees paid or provided for at the carrier's express service offices for next-day delivery the same day as the correspondence is placed for collection.
- ☐ **PERSONAL SERVICE:** I arranged for the document(s) listed above to be personally delivered to the person(s) at the address(es) set forth below (through **Specialized Legal Service, Professional Messenger**).
- ☐ **FACSIMILE:** I transmitted the document(s) listed above via facsimile machine at the time stated on the attached transmission report(s). The facsimile transmission(s) was reported as complete and without error
- ☐ **ELECTRONIC MAIL:** I personally transmitted via electronic mail (E-MAIL) the document(s) listed above to the person(s) at the electronic mail address(es) set forth below.

**Party Served****Method of Service****COUNSEL FOR PLAINTIFFS:**

VIA U.S. MAIL

A.E. Bud Bailey, Esq.  
 J. Dana Pinney, Esq.  
 Bailey Pinney PC  
 1498 S.E. Tech Center Place, Suite 290  
 Vancouver, WA 98683

///

**COUNSEL FOR PLAINTIFFS:**

VIA U.S. MAIL

Peter M. Hart, Esq.  
Peter M. Hart Law Offices  
13952 Bora Bora Way, P-320  
Marina Del Rey, CA 90292

**COUNSEL FOR PLAINTIFFS:**

VIA U.S. MAIL

Marcus J. Bradley, Esq.  
Schwartz Daniels & Bradley  
29229 Canwood Street, Suite 208  
Agoura Hills, CA 91301

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct. Executed on November 19, 2007, at San Francisco, California.

\_\_\_\_\_  
/S/  
Deedra L. Lang